

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	04cr1110 (DLC)
	:	11cv1556 (DLC)
-v-	:	
	:	
ANGELO DIPIETRO,	:	<u>ORDER</u>
	:	
Defendant.	:	
-----X	:	

DENISE COTE, District Judge:

On March 29, 2021, Angelo DiPietro's October 19, 2020 petition for a writ of habeas corpus was denied. Despite the denial of the petition, DiPietro and the Government agreed that he must be resentenced on the § 924(c) conviction challenged in the petition due to the vacatur of his prior § 924(c) conviction in another case. In an Order of March 29, 2021, DiPietro and the Government were instructed to advise the Court whether they wished to proceed with immediate resentencing on the § 924(c) conviction, or whether further proceedings should be stayed pending the resolution of any appeal of this Court's decision denying DiPietro's petition for a writ of habeas corpus. In response to that Order, the parties advised the Court that they wished to proceed with immediate resentencing. On April 9, the Court issued an Order scheduling resentencing, and on April 29, the parties advised the Court that DiPietro wishes to be resentenced in an in court proceeding. They further indicated

that DiPietro wishes to be resentenced on his § 924(c) conviction alone and waives his right to a plenary resentencing. It is hereby

ORDERED that resentencing is scheduled for **May 20, 2021** at **10 am.** The resentencing shall occur in person in Courtroom 18B, 500 Pearl Street.

IT IS FURTHER ORDERED that any defense submission regarding resentencing shall be due **May 6** and the Government's reply shall be due **May 13.**

IT IS FURTHER ORDERED that the Court will confirm at the proceeding whether DiPietro waives a plenary resentencing. This will include inquiring that DiPietro understands the following: should his appeal from the March 29, 2021 denial of his § 2255 petition be denied, there will be no further opportunity for a plenary resentencing.

IT IS FURTHER ORDERED that, in light of the ongoing COVID-19 pandemic, all individuals seeking entry to 500 Pearl Street must complete a questionnaire and have their temperature taken before being allowed entry into the courthouse. **To gain entry to 500 Pearl Street, follow the instructions provided here:**

[https://www.nysd.uscourts.gov/sites/default/files/2020-10/QR%20Sign%20-%20Public Media v.5.pdf](https://www.nysd.uscourts.gov/sites/default/files/2020-10/QR%20Sign%20-%20Public%20Media%20v.5.pdf)

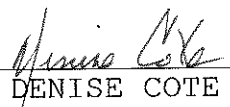
IT IS FURTHER ORDERED that all individuals must practice social distancing at all times in the courthouse. Individuals

also must wear either **one N95 mask** or **two face masks** that cover the person's nose and mouth at all times in the courthouse unless the Court authorizes their removal. Bandannas, gaiters, and masks with valves are not permitted.

IT IS FURTHER ORDERED that by **May 13, 2021**, defense counsel must advise the Court of how many spectators will attend the proceeding. The parties must advise the Court by the same date how many individuals will be seated at counsel's tables. Special accommodations may need to be made if more than **ten** spectators are expected to attend, or more than **three** individuals are expected to be seated at each counsel's table.

IT IS FURTHER ORDERED that members of the press and family members who are not able to attend the in court proceeding may listen to it through a telephone link by calling **888-363-4749** and using access code **4324948**.

Dated: New York, New York  
April 30, 2021

  
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DENISE COTE  
United States District Judge